

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

IN RE STARBUCKS CONSUMER  
LITIGATION

MASTER CASE NO. C11-1985MJP

ORDER GRANTING PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT AGREEMENT

Plaintiffs' Motion for Preliminary Approval of Class Action Settlement Agreement came on for hearing before this Court on December 17, 2012. Having considered the papers submitted in support of the motion, and having heard oral argument from the parties, and the Defendant having stated its non-opposition and consent to the motion, pursuant to Fed. R. Civ. P. 23 the Court HEREBY ORDERS THE FOLLOWING:

1. For settlement purposes only, the Court conditionally certifies a settlement Class defined as "All persons who between December 9, 2007 and November 7, 2011 made a purchase from any company-owned Starbucks store in the United States of scooped (i.e., not prepackaged) coffee beans in an amount less than one pound, other than half-pound purchases during January to March 2008 of types of coffee that had half-pound prices posted on menu boards during that time. Excluded from the Class are the following: (1) Starbucks Corporation and any entity in which Starbucks Corporation has

1 a controlling interest and their respective legal representatives, officers, directors, assigns,  
2 and successors; and (2) the judges to whom the Actions are assigned and any member of  
3 the judges' staff and immediate family.”

4 2. The Court appoints Jonah Cannon, James Kaen and Rachel Wassel as  
5 representatives of the Class.

6 3. The Court grants preliminary approval of the settlement on the terms set  
7 forth in the Settlement Agreement annexed to Plaintiffs' Motion for Preliminary  
8 Approval of Class Action Settlement Agreement filed on November 30, 2012. The  
9 Settlement Agreement appears to the Court on its face to be fair, adequate, and  
10 reasonable. The Court, for purposes of this Preliminary Approval Order, adopts the  
11 definitions set forth in the Settlement Agreement. Capitalized terms in this Preliminary  
12 Approval Order shall have the same meaning as in the Settlement Agreement.

13 4. The Court approves, as to form and content, the Notice Plan which is  
14 attached to the Settlement Agreement as Exhibit C. The Court finds that the notice of the  
15 Settlement Agreement that will be provided to Class Members under the Notice Plan  
16 meets the requirements of due process and provides the best notice practicable under the  
17 circumstances and that it will constitute due and sufficient notice to all persons entitled  
18 thereto.

19 5. The Court orders the following schedule for consideration of approval of  
20 the Settlement Agreement:

21 a. Starbucks shall activate the Notice Plan in accordance with its  
22 terms and the terms of the Settlement Agreement within 30 Days  
23 after entry of this Preliminary Approval Order. The Court  
24 authorizes the expenditure of funds from the Common Fund for  
25 external expenses to conduct the Notice Plan as outlined in the  
26 Notice Plan.

b. Any Class Member who wishes to object to any aspect of the  
Settlement Agreement must, no later than 90 Days after entry of  
this Preliminary Approval Order, file with the Court and provide

to Class Counsel and Starbucks' Counsel by delivery, certified or registered mail, or CM/ECF service, a written statement that includes (1) a detailed statement of the Class Member's objection(s), as well as the specific reasons, if any, for each objection, including any evidence and legal authority the Class Member wishes to bring to the Court's attention and any evidence the Class Member wishes to introduce in support of his or her objection(s); (2) the Class Member's name, email and postal address, and telephone number; and (3) information demonstrating that the Class Member is entitled to be included as a member of the Class. Any attorney retained by any Class Member at his or her own expense for the purpose of making an objection to the Settlement Agreement shall comply with the foregoing provisions and shall in addition no later than 90 Days after entry of this Preliminary Approval Order file with the Court and provide to Class Counsel and Starbucks' Counsel by delivery, certified or registered mail, or CM/ECF service, a notice of appearance on behalf of the objecting Class Member. Class Members or their attorneys intending to make an appearance at the Fairness Hearing must, no later than twenty-one Days before the Fairness Hearing, file a notice of intention to appear with the Court and provide to Class Counsel and Starbucks' Counsel by delivery, certified or registered mail, or CM/ECF service, a copy of the notice. Any Class Member who fails to comply with the foregoing shall be deemed to have waived his or her right to object to the Settlement Agreement and shall have no right to appeal from any order or judgment entered by the Court.

c. Any person who otherwise falls within the definition of the Class who wishes to exclude himself or herself from the Class and not to participate in the Settlement Agreement shall mail a written request to do so, signed under penalty of perjury, to Class Counsel postage prepaid and postmarked no later than 90 Days after entry of this Preliminary Approval Order. Within five Days after that date, Class Counsel will provide to Starbucks' Counsel and the Class Action Administrator a list of any persons who have requested exclusion from the Class.

d. Class Counsel shall file and serve their motion for their attorneys' fees and costs no later than 97 Days after entry of the Preliminary Approval Order.

e. Class Counsel shall file and serve their motion for final approval no later than 30 Days before the Fairness Hearing.

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- 2 f. The Fairness Hearing shall be held at 9:00 a.m. on May 24, 2013.
- 3 The Fairness Hearing shall take place in Courtroom 14206, 14th
- 4 Floor, at the United States District Court for the Western District
- 5 of Washington at Seattle, 700 Stewart Street, Seattle, WA 98101.
- 6
- 7 g. The Court confirms the law firms Shapiro Haber & Urmy LLP and
- 8 Block & Leviton LLP as Class Counsel and the law firm Byrnes
- 9 Keller Cromwell LLP as Liaison Counsel.
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- 11 h. The Court confirms Simpluris, Inc. as the Class Action
- 12 Administrator.
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14 IT IS SO ORDERED, THIS 17th DAY OF DECEMBER, 2012.

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Marsha J. Pechman  
United States District Judge